Patent application 09/892,351   1 of 2
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To the Director,

Please consider this 1.181 petition to request a replacement examiner as there seems to be a fundamental misunderstanding of the subject matter and confusing correspondence including the action of 8 Nov' 07.
Examiner Brian Q Le took over from examiner A. Anwar following my reply filed 16 May.

B. Le's office action of 31 July reveals unfamiliarity with the specification and the subject of anaglyph production. Sections have been copied from the prior examiners report without regard to clarification given in my 16 May reply.
It includes unclear wording that could not be clarified despite phone interview 20 Nov'.
The examiner record of the phone interview of 16 Oct 07 filed 22 Oct' is minimal and not accurate. I have filed my own record.
A requirement set out in item 1 of the 31 July action, has been objected to in the 8 Nov' 07 action.
An amendment to filter values filed 25 May, that has been frequently prior made, has been objected to and apparently necessitated a final action.

I will here refer to the office actions by item numbers given.
Action of 31 July Item 1.
Apparently my arguments with regard to claim 53 etc were fully considered, but were
"not considered persuasive because of the following reason(s)" Only one is given.
"Regarding the referred paragraph (0009) of the application, the applicant seems to argue the difference between the specification of the invention and the prior arts. However, the argued citations of the specification are not included in the claim. Thus, the examiner will not be able to interpret the claims..."
    'broad spectrum' from (0009) was added to comply with requirements of form expressly set out in the action. See my reply filed 24 Oct.
However in his advisory action of 8 Nov' 07 the amendment is referred to as 'raising new issues requiring further consideration and search'.

In addition, the fourth sentence of Item 1 page 2 of the 31 July action reads unintelligibly:
"Thus, the examiner will not be able to interpret the claims as they have included those cited locations of the original specification"
Phone interview 20 Oct' with the examiner failed to clarify this matter.

Examiner B. Le concludes item 1 of the 31 July action with:
"The examiner believes that all arguments of the applicant have been properly addressed and explained. Thus, the rejections of all of the claims are maintained."
However, no explanation or address is given to my prior reply filed 16 May.

Item 2.
The non elected claims were amended as dependant claims following the election requirement of 22 Nov' 06 and were cancelled in my reply filed 24 Oct, only to help proceed to acceptance.
I also make petition under 37 CFR 1.144 for dependant claims 61-79 and 81-85 as filed 16 May 07, to be re-included upon allowance.

Item 3. The examiner objects to amended filter values. 2 of 2

I have prior frequently made amendments to filter values including prior to acceptance in September '05.
Here they are objected to as being new matter and item 13 suggests that it was because of this that the
action of 31 July 07 was made final. See page 9 of 31 July action.
This inconsistency is unfair especially given the examiners suggestion to amend the application back to
Sep' 05 when accepted and that I had already prior requested an RCE.

Item 5.
The examiner requested where 'application with a single sweep' was in the specification.
The specification is prevalent with mention of 'application with a single sweep' at the conclusions of key
sections as shown in my reply filed 24 Oct. See PAIR original file (0123) (0136) (0183) (0188) (0196)
This demonstrates unfamiliarity with the specification.

Item 7.
The examiner asks what 'from within color channel allocations' means.
This further demonstrates unfamiliarity with the specification and topic.
Anaglyph images are displayed and perceived via color channels of left and right images.
This is further compounded in that he has merely copied the question from the prior examiners report of 3
April. This question was addressed in my reply for items 4-7 filed 16 May 07.

The paragraph regarding claim 58 is unintelligible.
He has again copied the question from the prior examiners 3 April report.
In my replies, items 4-7 filed 16 May and item 7 filed 24 Oct, images are 'a composition of matter and an
improvement thereof' and so are claimed as per 35 USC 101.

The paragraph regarding claim 86 further demonstrates unfamiliarity with the specification and the last
sentence does not make sense.
The examiner refers to confusion and difficulty in understanding "color channel allocation(s) are effected
to each image of said image pair in a single sweep".
My specification teaches the application of selective color adjustment (to the left and right images) and
their allocation to color channels.
Clearly, claim 53 b. consists of selective color treatment and 53c consists of allocating color channels.
These processes are clearly described in the specification. See (0105) to (0124) for selective color
treatment and (0137) to (0167) for color channel allocation.
That they can be applied in a single sweep is frequently mentioned in the specification.
See paragraphs (0123) (0136) (0183) (0188) (0196)
Claim 86 then effects these processes to each image of said image pair in a single sweep (0183).
This was already clarified on page 1 item 4-7 in my overlooked reply filed 16 May.

Further demonstration of general unfamiliarity in is the last paragraph of item 9 page 7 where applying
such treatments with a single sweep is also confused with a cited frame isolation via frame grabber.

Item 9.
Demonstrates misunderstanding the prior art.
The examiners citations refer to removing pure color from an anaglyph and to substituting image planes.
Image plane replacement is further confused with selective color adjustment of left and right images.

Item 11.
Unrelated digital storage compression is then confused with 'luminosity compression' described in my
application. (0127) to (0136)

M. Dawson